

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA,
SOUTHERN DIVISION

JIM EDWARD MASSEY,

Petitioner,

VS.

CIVIL ACTION NO.

07-0664-KD-M

BILLY MITCHEM,

Respondent.

)

(

1

i

**REQUEST FOR ADDITIONAL TIME IN WHICH
TO RESPOND TO THE ORDER TO SHOW CAUSE**

Comes now the Respondent in this case, by and through the Attorney General of the State of Alabama, and respectfully requests an extension of twenty-one (21) additional days in which to respond to this Court's October 26, 2007 order to show cause why a writ of habeas corpus should not be granted. Respondent submits the following grounds in support of this request:

1. On October 21, 2007, Massey filed the instant habeas corpus petition challenging his September 22, 1997 murder conviction in the Geneva County Circuit Court and his resulting sentence of life imprisonment. Massey did not file a direct appeal, nor did he file a postconviction petition pursuant to Rule 32 of the Alabama Rules of Criminal Procedure.

challenging his September 22, 1997 murder conviction in the Geneva County Circuit Court and his resulting sentence of life imprisonment. Massey did not file a direct appeal, nor did he file a postconviction petition pursuant to Rule 32 of the Alabama Rules of Criminal Procedure.

Circuit Court and his resulting sentence of life imprisonment. Massey did not file a direct appeal, nor did he file a postconviction petition pursuant to Rule 32 of the Alabama Rules of Criminal Procedure.

a direct appeal, nor did he file a postconviction petition pursuant to Rule 32 of the Alabama Rules of Criminal Procedure.

Alabama Rules of Criminal Procedure.

2. Respondent has contacted the Geneva County Circuit Clerk's office and requested the record of the proceedings in state court. The clerk's office informed the undersigned attorney that the record in this case is in storage, but that once the record is located, the clerk's office shall send a copy of it to the Respondent.

3. An extension of twenty-one days is therefore necessary so that (1) the clerk's office may locate, copy, and mail the state court record, and (2) upon receipt of the record, undersigned counsel may review the record and file a proper response.

4. The additional time requested will not prejudice Massey's rights.

Wherefore, Respondents respectfully request an extension of twenty-one (21) days, up to and including Wednesday, December 5, 2007, in which to file a response in this case.

Respectfully submitted,

Troy King, ASB #KIN047
Attorney General
By-

s/Stephanie E. Reiland
Stephanie E. Reiland (REI036)
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of November, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: Jim Edward Massey, AIS 109805, 28779 Nick Davis Road, Harvest, AL 35749-7009.

Respectfully submitted,

s/Stephanie E. Reiland (REI036)
Stephanie E. Reiland (REI036)
Office of the Attorney General
Alabama State House
11 South Union
Montgomery, AL 36130-0152
Telephone: (334) 242-7300
Fax: (334) 242-2848
E-Mail: sreiland@ago.state.al.us

343600/114942-001